

900 KAR 6:085. Implementation of outstanding Certificates of Need if ownership has changed.

RELATES TO: KRS 216B.010, 216B.061(1)(h), 216B.0615, 216B.990

STATUTORY AUTHORITY: KRS 194A.030, 194A.050, 216B.040(2)(a)1

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(2)(a)1 requires the Cabinet for Health and Family Services to administer Kentucky's Certificate of Need Program and to promulgate administrative regulations as necessary for the program. This administrative regulation establishes the guidelines for the implementation of outstanding Certificates of Need if ownership has changed for an existing licensed facility.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 216B.015(5).

(2) "Outstanding" means a project has not been implemented and a license has not been issued by the Office of Inspector General.

(3) "Owner" means a person as defined in KRS 216B.015(21) who is applying for the Certificate of Need and will become the licensee of the proposed health service or facility.

Section 2. Implementation of outstanding Certificates of Need if ownership has changed. (1) A Certificate of Need issued by the cabinet to an existing licensed facility for purposes other than replacement of the facility may be implemented by the new owner of the facility if the change of ownership occurs prior to implementation of the outstanding project for which the Certificate of Need was issued.

(2) The purchase of all capital stock or a controlling interest of capital stock of the holder of an approved Certificate of Need for the establishment of a new health facility shall not constitute the sale, trade, or transfer of a Certificate of Need for purposes of KRS 216B.061(1)(h) and 216B.0615. (36 Ky.R. 243; Am. 811; eff. 10-21-2009; 39 Ky.R. 329; 982; eff. 11-9-12.)